

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DWAYNE MONTGOMERY,  
Plaintiff,  
v.  
M. CULUM, et al.,  
Defendants.

No. 2:22-cv-1156 DC CSK P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. For the following reasons, plaintiff is granted an extension of forty-five days from the date of this order to file his opposition to defendants' motion to dismiss.

On November 19, 2024, defendants filed a motion to dismiss. (ECF No. 43.) Plaintiff did not file an opposition. Accordingly, on December 23, 2024, this Court granted plaintiff thirty days to file an opposition. (ECF No. 43.) In the December 23, 2024 order, this Court warned plaintiff that failure to file an opposition would be deemed as consent to have this action dismissed for lack of prosecution. (*Id.*) On December 23, 2024, plaintiff filed a motion for a thirty-day extension of time to file his opposition. (ECF No. 45.) This Court was not aware of plaintiff's motion for a thirty-day extension of time when the December 23, 2024 order was issued. On January 13, 2025, plaintiff filed a motion for a forty-five day extension of time to file his opposition. (ECF No. 46.) In support of this motion, plaintiff states that he was placed in

1 restrictive housing on December 19, 2024 and does not have access to his legal paperwork. (Id.  
2 at 2.) Plaintiff states that he requires additional time to “ascertain his legal work from prison  
3 officials...” (Id.) Attached to plaintiff’s motion is a document titled, “Restricted Housing Unit  
4 Placement Notice.” (Id. at 3.) This document states that on December 19, 2024, plaintiff was  
5 placed in restrictive housing due to confidential information that plaintiff’s life would be in  
6 danger if plaintiff remained housed at Kern Valley State Prison on Facility D. (Id.)

7 Good cause appearing, IT IS HEREBY ORDERED that:

8 1. Plaintiff’s motion for a thirty-day extension of time filed December 23, 2024 (ECF No.  
9 45) is denied as unnecessary; and

10 2 Plaintiff’s motion for a forty-five day extension of time (ECF No. 46) is granted;  
11 plaintiff shall file his opposition to defendants’ motion to dismiss within forty-five days of the  
12 date of this order; any further requests for extensions of time shall be supported by appropriate  
13 documentation.

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15 Dated: January 17, 2025

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17 CHI SOO KIM  
18 UNITED STATES MAGISTRATE JUDGE  
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